



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

October 24, 2013

**BY EMAIL**

The Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Leonides Sierra, et al.*,  
S5 11 Cr. 1032 (PAE)**

Dear Judge Engelmayer:

The Government has received the Court's October 22, 2013 Order stating that the trial for Carlos Urena, Limet Vasquez, and Juan Franco will remain scheduled for March 10, 2013. The Government thanks the Court for its consideration and will make staffing arrangements accordingly.

The Government has received the Court's October 18, 2013 Order directing the Government to: (1) supply an update as to the status of the capital review process and any other matters relevant to trial scheduling; and (2) proposing configurations of defendants for a second and ensuing trials. The Government's responses are as follows.

Eleven defendants<sup>1</sup> remain who are capital-eligible and as to whom the Attorney General has not yet rendered an opinion on whether to seek the death penalty. Those defendants are: Felix Lopez-Cabrera, Carlos Lopez, Luis Beltran, Miguel Strong, Ramon Lizardi, Javier Beltran, Michael Cabrera, Yandel Silverio, Raymond Sosa, Manuel Geraldo, and Jugo Cespedes. Of these defendants, the Government has received mitigation submissions only from Lizardi and Geraldo. In order to expedite the completion of the capital review process, the Government is preparing a global submission to the Department of Justice for each of these eleven defendants. We expect that submission to be sent to the Department of Justice in November. Once that submission is made, we can expect a response within twelve to sixteen weeks, if not sooner.

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<sup>1</sup> This number does not include defendants who are charged but have not yet been arrested.

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The Government believes that the remaining trials in this case should be configured as follows<sup>2</sup>:

Proposed Trial Two

Murder of Miguel Perez (and other charged offenses committed by below-named defendants)

Defendants (4): Maria Mejia, Lenin Morel, Ramon Lizardi, and Miguel Delance

Expected length: Approximately three weeks

Suggested trial date<sup>3</sup>: late May 2014

Proposed Trial Three

Murder of Issi Dominguez

Defendant (1): Julian Lopez

Expected length: Approximately one to two weeks

Suggested trial date: July 2014

Proposed Trial Four

Murders of Raymond Casul, David Avila-Gomez, Irving Cruz, Raffy Tavares, and Freddy Polanco (and other charged offenses committed by below-named defendants)

Defendants (9): Felix Lopez-Cabrera, Luis Beltran, Javier Beltran, Michael Cabrera, Miguel Strong, Yandel Silverio, Carlos Lopez, Andry Lazala, and Raymond Sosa

Expected length: Approximately two to three months

Suggested trial date: September 2014

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<sup>2</sup> If the Department of Justice directs the Government to seek the death penalty against any remaining capital-eligible defendant, this schedule will have to be altered accordingly. Additionally, this list does not include fugitives or defendants to be extradited.

<sup>3</sup> To the extent the Court is considering defense counsel's schedules in setting trial dates, the Government notes that, following a "no-seek" determination by the Department of Justice, the continued participation of learned counsel is no longer statutorily required. Courts in this District have taken a variety of positions on the issue of whether to continue to permit learned counsel to participate in capital cases after "no-seek" determinations have been rendered. The Government can provide the Court with additional information on this topic if requested.

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Proposed Trial Five

Murder of Orlando Salgado (and other charged offenses committed by below-named defendants)

Defendants (5): Raymond Sosa, Hargelis Vargas, Manuel Geraldo, Anderson Abreu,  
and Jugo Cespedes

Expected length: Approximately two to three weeks

Suggested trial date: January 2015

The trials are proposed in rough chronological order of charged murders. Under this configuration, defendant Raymond Sosa would have to be tried twice (in Proposed Trials Four and Five). Because defendants Lopez-Cabrera, Lopez, Cabrera, and Sosa each participated in multiple murders with different sets of defendants, there is no logical and efficient way to divide up the trials such that every defendant will be tried only once. The Government believes that the current proposed division is the most logical given the proof that will be offered in each Proposed Trial. In advance of the scheduled trials, the Government would delineate clearly which of Sosa's other charged offenses it would attempt to prove in each trial.

The Government is mindful of the Court's stated preference to try no more than five defendants at one time. Proposed Trial Four, as currently configured, contemplates nine defendants and five murders (occurring during four separate incidents). The Government requests this configuration because it believes there is currently no more efficient way to divide the trials given Lopez-Cabrera's, Lopez's, Cabrera's, and Sosa's respective participation in multiple overlapping murders. The Government expects that it will reach pretrial dispositions with a number of defendants currently scheduled for Proposed Trial Four such that the number of defendants in this trial should be reduced to a more practicable number for a single trial. As the Government reaches these dispositions, if there continue to be more than five defendants in the group, logical divisions within Proposed Trial Four should be achievable.

Cc: All counsel